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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,971	05/08/2001	Linda Ann Roberts	BS00-338	1307
7590 01/11/2006 WITHERS & KEYS PO BOX 71355 MARIETTA, GA 30007			EXAMINER SING, SIMON P	
			ART UNIT 2645	PAPER NUMBER

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/849,971	ROBERTS ET AL.	
	Examiner	Art Unit	
	Simon Sing	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9,11-16 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-9, 11-16 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 4-9, 15, 16 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epler et al. US Patent No. 5,825,867 in view of Leung et al. US 6,005,870.

1.1 Regarding claims 1 and 20, Epler discloses a method of enhanced call waiting (column 5, lines 66-67). Epler teaches:

receiving urgency information from a caller (column 6, lines 8-13, or information inputted by the caller (column 6, lines 13-18) and generating a distinctive call waiting tone to indicate the level of urgency (priority) or importance identified by the caller directly, wherein the distinctive tone is played for a user (called party) who's telephone number was being dialed by the caller (column 6, lines 18-27), and

establishing communication between the caller 12 and the user if the subscriber so desires (column 1, lines 26-38).

Epler also teaches providing VIP codes (priority codes) associated with the user's telephone line to callers (column 11, lines 55-61), and the VIP codes are inputted

by the callers in call waiting to indicate VIP calls (column 14, lines 16-30), and as mention above, Epler teaches receiving urgency information from the caller, such that the urgency information is inputted by the caller to indicate a level of urgency, i.e. the relative urgency of the call (column 5, lines 66-67; column 6, lines 13-27). Epler fails to explicitly teach that the information is one of multiple codes pre-provided to the caller.

However, Leung discloses a method for call treatment in figure 1. Leung teaches pre-providing multiple codes, such as a group access code (member of a group) and emergency code to a caller, so that the caller may enter one of the codes to indicate the priority of a call (column 5, line 1 to column 6, line 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Epler's reference with the teaching of Leung, so that a calling party would have been pre-provided more than one code, such as a group access code, and an emergency code (or VIP code), to identify a priority level by a distinctive tone, because in order to enter information indicating a level of urgency, a caller must receive the information beforehand with what information (or code) indicating which level of urgency.

1.2 Regarding claims 2 and 21, Epler's teaches that a VIP code is unique to a caller (column 11, lines 55-63).

1.3 Regarding claim 4, Epler teaches that a call waiting alerting signal can be a regular call waiting tone (column 5, lines 56-60).

1.4 Regarding claims 5 and 6, Epler teaches prompting caller 12 to leave a message if no code is entered, or a code entered does not match (column 5, lines 39-42; column 14, lines 23-28).

1.5 Regarding claim 7, Epler discloses a method of enhanced call waiting (column 5, lines 66-67). Epler teaches:

receiving urgency information from a caller (column 6, lines 8-13) or information inputted by the caller (column 6, lines 13-18) and generating a distinctive call waiting tone, determined by the inputted information, to indicate the level of urgency (priority) or importance identified by the caller directly, wherein the distinctive tone is played for a user (called party) who's telephone number was being dialed by the caller (column 6, lines 18-27), and

establishing communication between the caller 12 and the user if the subscriber so desires (column 1, lines 26-38).

Epler also teaches providing VIP codes (priority codes) associated with the user's telephone line to callers (column 11, lines 55-61), and the VIP codes are inputted by the callers in call waiting to indicate VIP calls (column 14, lines 16-30), and as mention above, Epler teaches receiving urgency information from the caller, such that the urgency information is inputted by the caller to indicate a level of urgency, i.e. the relative urgency of the call (column 5, lines 66-67; column 6, lines 13-27). Epler fails to explicitly teach that the information is one of multiple codes pre-provided to the caller.

However, Leung discloses a method for call treatment in figure 1. Leung teaches pre-providing multiple codes, such as a group access code (member of a group) and emergency code to a caller, so that the caller may enter one of the codes to indicate the priority of a call (column 5, line 1 to column 6, line 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Epler's reference with the teaching of Leung, so that a calling party would have been pre-provided more than one code, such as a group access code, and an emergency code (or VIP code), to identify a priority level by a distinctive tone, because in order to enter information indicating a level of urgency, a caller must receive the information beforehand with what information (or code) indicating which level of urgency.

1.6 Regarding claim 8, the modified Epler's reference, teaches that each code is unique to the caller, i.e. a group code is different from an emergency code.

1.7 Regarding claims 9 and 22, the modified Epler's reference, teaches assigning different number of codes to different callers (Leung; column 5, lines 30-32).

1.8 Regarding claim 15, Epler discloses a method of enhanced call waiting. Epler teaches:

associating an information with a subscriber's telephone number in a database accessible by a computer 56 (figure 1; column 3, lines 33-36; column 4, lines 37-42),

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wherein a the information is associated with an urgency level, and each urgency level is associated with a distinctive call waiting tone for identifying the level of urgency to a user;

receiving an incoming call from a caller while the user is engaged in a first communication with a third party via a switch 20 (column 4, lines 43-47);

receiving, via the switch, the information from the caller to identify the level of urgency of the call (column 6, lines 18-24);

determining (by inherency) at the computer whether the information matched in the database for generating the distinctive call awaiting tone (column 6, lines 18-27);

sending an instruction to the switch to play the distinctive call waiting tone to a user (column 6, lines 8-13); and

generating a distinctive call waiting tone specified by the computer at the switch 20, and playing the distinctive call waiting tone for the user (called party) who's telephone number was being dialed by the caller, notifying the user a level of urgency of the call (column 6, lines 24-27).

Epler also teaches providing VIP codes (priority codes) associated with the user's telephone line to callers (column 11, lines 55-61), and the VIP codes are inputted by the callers in call waiting to indicate VIP calls (column 14, lines 16-30), and as mention above, Epler teaches receiving urgency information from the caller, such that the urgency information is inputted by the caller to indicate a level of urgency, i.e. the relative urgency of the call (column 5, lines 66-67; column 6, lines 13-27). Epler fails to explicitly teach that the information is one of multiple codes pre-provided to the caller.

However, Leung discloses a method for call treatment in figure 1. Leung teaches pre-providing multiple codes, such as a group access code (member of a group) and emergency code to a caller, so that the caller may enter one of the codes to indicate the priority of a call (column 5, line 1 to column 6, line 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Epler's reference with the teaching of Leung, so that a calling party would have been pre-provided more than one code, such as a group access code and an emergency code (or VIP code), to identify a priority level by a distinctive tone, because in order to enter information indicating a level of urgency, a caller must receive the information beforehand with what information (or code) indicating which level of urgency.

1.9 Regarding claims 16 and 23, Epler teaches establishing communication between a caller and a subscriber (called party) if the subscriber so desires (column 1, lines 26-38).

1.10 Regarding claim 18, Epler teaches that each VIP code is unique to a calling party (column 11, lines 55-63).

1.11 Regarding claim 19, Epler teaches determining whether the VIP code received matches one of the VIP codes stored in a database (column 14, lines 16-30);

2. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epler et al. US Patent No. 5,825,867 in view of Leung et al. US 6,005,870 and further in view of Relyea et al. US 6,185,285.

2.1 Regarding claim 11, Epler discloses a system of enhanced call waiting in figure 1, comprising:

a switch 20 in communication with a telephone line (column 3, lines 17-23), wherein the switch is configured to detect incoming calls intended for a user 10 who is already engaged in a first communication with another caller (column 4, lines 43-45);

a processor (computer 56) in communication with the switch, wherein the processor is configured to review information associated with user 10 (column 3, lines 33-36; column 4, lines 37-42) to determine, from a subscriber database (subscriber list), whether user 10 is a subscriber of the enhanced call waiting subscriber;

wherein, when the switch launch a query for call waiting (column 5, lines 32-35);

wherein the processor receives a query from the switch and identifies that user 10 is a subscriber of the system, then instruct the switch to solicit information (i.e. priority code) from caller 12 indicating a level of urgency of the incoming call (column 6, lines 8-27);

wherein the process verifies the information (buy inherency; column 6, lines 18-24);

wherein the information represent multiple degree of urgency (column 6, lines 18-24);

wherein the processor instructs the switch to interrupt the first communication with a distinctive call waiting tone if information entered by the caller is valid (column 6, lines 18-24), and each distinctive call waiting tone associated with a lever of urgency (column 5, lines 66-67; column 6, lines 8-27) and wherein the instruction if via a control field (to generate different distinctive call waiting tones, see column 6, lines 8-13); and

wherein the switch establishes communication between caller 12 and user 10 if user 10 so desires (column 1, lines 26-38).

Epler also teaches providing VIP codes (priority codes) associated with the user's telephone line to callers (column 11, lines 55-61), and the VIP codes are inputted by the callers in call waiting to indicate VIP calls (column 14, lines 16-30), and as mention above, Epler teaches receiving urgency information from the caller, such that the urgency information is inputted by the caller to indicate a level of urgency, i.e. the relative urgency of the call (column 5, lines 66-67; column 6, lines 13-27). Epler further teaches that a user is able to modify his profile by phone (column 9, lines 5-10; column 11, lines 43-63). Epler fails to explicitly teach that the information is one of multiple codes pre-provided to the caller, and the user is able to modify his profile by a computer.

However, Leung discloses a method for call treatment in figure 1. Leung teaches pre-providing multiple codes, such as a group access code (member of a group) and

emergency code to a caller, so that the caller may enter one of the codes to indicate the priority of a call (column 5, line 1 to column 6, line 8).

In addition, Relyea discloses a call management server 26 connected to a local switch 20 in figure 1. Relyea teaches that a subscriber can enter the call management server 26, via a computer 28, to change his service profile, including call waiting (column 2, lines 45-49; column 5, lines 17-32; figures 1 and 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Epler's reference with the teachings of Leung and Relyea, so that a calling party would have been pre-provided more than one code, such as a group access code and an emergency code (or VIP code), to identify a priority level by a distinctive tone, and a user profile would have been accessible by a user computer in addition to phone, because in order to enter information indicating a level of urgency, a caller must receive the information beforehand with what information (or code) indicating which level of urgency, and such a modification would have provided flexible means for a user to change his profile.

2.2 Regarding claim 12, Epler teaches that switch 20 is provisioned with a trigger for causing a call waiting tone (column 5, lines 42-50, 56-60).

2.3 Regarding claim 13, Epler teaches a 5ESS switch at a central office (column 5, lines 47-50). Since 5ESS is an Advanced Intelligent Network (AIN) switch, and

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inherently, switch 20 is a service switching point (SSP) and call processing facility 50 is located in a service control point (SCP).

2.4 Regarding claim 14, Epler teaches that a call waiting alerting signal can be a regular call waiting tone (column 5, lines 56-60).

Response to Arguments

3. Applicant's arguments with respect to claims 1, 2, 4-9, 11-16 and 18-23 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (571) 272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.



S. Sing

01/09/2006



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